

White County Planning Commission

Regular Session

MINUTES

Monday, January 6<sup>th</sup>, 2020

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, Brad Ash, and John Yarbrough.

Staff: Harry Barton, John Sell, and Mercedes Dodd

- I. Call to Order- Chairman Thomas called the meeting to order.
- II. Invocation- Mr. Ackerman gave the invocation.
- III. Review of Agenda- Motion made by Ms. Dixon to add the Election of Officers to the agenda; seconded by Mrs. Burke. Motion was unanimously approved.
- IV. Election of Officers- Mr. Barton explained that officers are elected during the first meeting of each year. Mr. Barton said the officers are Chairman, Vice Chairman, and Secretary.
  - o Motion made by Ms. Dixon to elect Mr. Thomas for Chairman; seconded by Mrs. Burke. There were no other nominations. Motion was unanimously approved.
  - o Motion made by Mr. Ackerman to elect Ms. Dixon as Vice Chairman, seconded by Mrs. Burke. There were no other nominations. Motion was unanimously approved.
  - o Motion made by Mr. Freeman to elect Mrs. Burke as Secretary, seconded by Mr. Ash. There were no other nominations. Motion was unanimously approved.
- V. Review and approval of minutes of November 25<sup>th</sup>, 2019 and December 2<sup>nd</sup>, 2019- Motion made by Ms. Dixon to approve minutes of November 25<sup>th</sup>, 2019 and December 2<sup>nd</sup>, 2019; seconded by Mr. Yarbrough. Motion was unanimously approved.

VI. Variance

a. **Ri Haun Cai Section 511 Setbacks**

Application of Ri Haun Cai to request a variance to build within the building setback. Property is located on Dogwood Lane, Cleveland, GA, 30528. Tax map and parcel 048C-095. Total acreage is 0.85.

Jamie Lee of 1560 Hwy 284 in Cleveland was present to represent the landowner. Mr. Lee stated that they want to get a variance to place a mobile home one and a half feet into the setback.

Mr. Barton gave a summary of the application. Mr. Barton stated that this property has been before the board previously; the first variance was for the north side of the property and the second variance is for the south side of the property.

Mr. Barton asked how close the home would be; Mr. Lee said one side is right at 15 feet, the other side is 13 and a half feet, so they just need a foot and a half.

Chairman Thomas asked if this was the same property owner as the last variance; Mr. Barton stated that the adjoining lot is not the same owner, but the property owner is the same as before.

Chairman Thomas asked Mr. Lee if he has talked to the owner of the property that he needs the setback from; Mr. Lee said yes, the lines were messed up and he had to get the lines right. Mr. Lee said that they then moved the mobile home up, but they are still about a foot and a half in the setback.

White County Planning Commission

Regular Session

MINUTES

Chairman Thomas asked if Mr. Lee has a letter from the adjoining neighbor; Mr. Barton said that it is not in the application.

Chairman Thomas told Mr. Lee that he would need to get a letter from that property neighbor. Chairman Thomas said that the board can act on the variance tonight, but it will be contingent upon a letter from the adjoining property owner.

Mr. Lee asked what the letter will need to say; Chairman Thomas stated that it would just need to say that they are okay with him being inside that setback.

Mr. Lee said he doesn't think that the neighbor will agree and they want to be paid for the foot and a half that they are on in the setback.

Chairman Thomas stated that typically with every variance for setbacks, the board asks for a letter from the adjoining property owner. Chairman Thomas said that the board can act on it, but like he said, it will be contingent upon coming to an agreement with the adjoining property owner.

Mr. Lee said he doesn't think the neighbor will, because they want him to pay something now instead of getting a variance. Mr. Lee reiterated that it's on the property now, but all they lack is a foot and a half. He said the neighbor already told them that they could leave it if they pay them.

Mrs. Burke asked Mr. Lee if he was within his property; Mr. Lee said yes, the setback and that they moved the mobile home once.

Mrs. Burke said she could understand if it was on their property, but she couldn't understand why it's an issue if it's on his property; Chairman Thomas said that is the purpose of the setback.

Mr. Lee said the property line is over here and that he is 13 and half feet from it. Mr. Barton stated that he would not have been able to get a building permit if it had been across the line.

Chairman Thomas asked Mr. Barton if the board has ever acted on a setback without a letter.

Mrs. Burke asked if a letter was required.

Mr. Barton said it's not a requirement; it has just been a policy of the board in the past to acquire a letter from the adjoining land owner. He said maybe fifteen or twenty years ago, but he doesn't believe this board has acted on a variance without a letter.

Mr. Freeman asked Mr. Lee why he couldn't move it; Mr. Lee said he already moved it one time. The one side is fifteen foot from the line, but the way they angled it, the other side is thirteen and a half from her property line.

Mr. Ackerman asked if there was any way to move it again if that is the only option; Mr. Lee said not really because then he would be encroaching on the other property line.

Mr. Freeman asked if Mr. Lee could get a letter from the other neighbor; Mr. Lee said they own that property.

Mrs. Burke asked Mr. Barton if a variance has ever been granted without a letter for even a foot; Mr. Barton stated that he cannot recollect. Chairman Thomas said he doesn't remember it ever being an issue in the past, that the landowners always give the letter.

Mr. Lee stated that the neighbor never wanted them to put the mobile home there in the first place, that the lot was vacant before they put the mobile home there. He stated that the

White County Planning Commission

Regular Session

MINUTES

neighbor has been calling the county almost every day about it, so he knows they won't give him a letter.

Mr. Ash asked Mr. Barton if the board can table a variance.

Mr. Barton said they can table a decision, but they will have to make a decision within so many days. He said the other option is to not require a letter.

Mrs. Burke asked Mr. Barton to clarify if a letter was required; Mr. Barton said it is not.

Chairman Thomas asked if a mobile home was there before; Mr. Lee said no.

Motion was made by Mr. Yarbrough to grant the variance contingent upon a letter from the adjoining property owner; seconded by Mr. Ackerman.

Chairman Thomas clarified the motion and asked if everyone was clear on the motion.

Mr. Freeman stated that he was not clear on why Mr. Lee could not move the mobile home to the other end of the property. Mr. Barton stated that he would need a variance there, as well.

Mr. Freeman said yes, but it would be a variance from his own property.

Mr. Lee stated that it would be too close to the other mobile homes with the way the land is. He mentioned the other mobile home is close to the property line.

Chairman Thomas asked if there was any further discussion; no response. Motion was approved unanimously.

**b. George Papp Section 601 Access**

Application of George Papp to request a variance for access. Property is located at 163 Savage Trail, Cleveland, GA, 30528. Tax map and parcel 061-073. Total acreage is 5.75.

The landowner, George Papp of 163 Savage Trail in Cleveland, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that the reason for the variance is because the tract is being split.

Mr. Barton asked Mr. Papp if he had anything else to add.

Mr. Papp stated that he has lived there for 14 years, his wife passed away and it's a big house, he just needs something smaller. He said he doesn't plan on going anywhere and wants to be able at some point to sell the second house. Mr. Papp stated that he can build on the property now, but when the time comes to sell, it will be hard to sell two houses on one property. He stated he doesn't need a big house and he doesn't want to move.

Chairman Thomas asked the board if they had any questions; no response.

Motion was made by Mr. Ash to approve the variance as submitted; seconded by Mrs. Dixon.

Motion was unanimously approved.

White County Planning Commission

Regular Session

MINUTES

c. **Clarence McDonald Section 601 Access**

Application of Clarence E. McDonald to request a variance for access. Property is located on Pottery Shop Drive, Cleveland, GA, 30528. Tax map and parcel 077-042. Total acreage is 16.00. The landowner's real estate agent, Ed Fickey of 115 Sunset Drive in Tiger, Georgia, was present.

Mr. Fickey stated that Mr. McDonald had been trying to sell the property for over a year as a whole, but there was no interest so they decided to divide it up. Mr. Fickey stated that they are dividing up about 33 acres and basically making it two-sixteen acre tracts.

Mr. Barton gave a summary of the application. Mr. Barton stated that the property is A-1, but the remaining tract meets the 10 acre requirement.

Chairman Thomas asked the board if they had any questions; no response.

Motion was made by Mr. Ackerman to grant the variance as requested; seconded by Mrs. Burke. Motion was unanimously approved.

d. **Doug Wintermute Section 601 Access**

Application of Doug Wintermute to request a variance for access. Property is located at 358 Old Cherokee Road, Cleveland, GA, 30528. Tax map and parcel 079-089. Total acreage is 4.22. The landowner, Doug Wintermute of 358 Old Cherokee Road in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Wintermute if he had anything to add.

Mr. Wintermute stated that he bought the property in 1986 in a subdivision with plans to split it. He stated that he and his wife are divorcing. Mr. Wintermute said they sold their other house, he got the proceeds from that to build his house on the vacant lot and his wife got the house that is already there. Mr. Wintermute said they will be neighbors, but they get along and will be able to see their grandkids more that way.

Mrs. Burke clarified that there are two separate lots; Mr. Barton said yes, the variance would be for the 2.0 acre tract. The other tract already has access.

Chairman Thomas asked if Old Cherokee Road is a county road; Mr. Barton stated it's off of Mae White.

Mrs. Dixon asked if Mr. Wintermute's tract is the 2.22 tract; Mr. Ash stated that his is the 2.00 acre tract.

Chairman Thomas asked the board if they had any questions; no response.

White County Planning Commission

Regular Session

MINUTES

Motion was made by Mr. Freeman to approve the variance as requested; seconded by Mr. Ash. Motion was unanimously approved.

VII. Land Use

- i. **Application of Robert Allums** to redistrict property located on Claude Sims Road in Cleveland, GA, 30528 from A-1 Agriculture Forestry District, to R-1 Residential Single Family District. Total acreage to be changed is 1.15. Tax map and parcel 033B-108. Present use is A-1 Agriculture Forestry District.

The landowner, Robert Allums of 264 Wild Turkey Trail in Cleveland, was present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if this was for Mr. Allums to live in; Mr. Allums said yes. Chairman Thomas asked Mr. Allums if he had anything to add, Mr. Allums said no.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Ackerman to recommend the Board of Commissioners to approve the application to rezone from A-1 Agriculture Forestry District to R-1 Residential Single Family District; Seconded by Mrs. Burke.

Chairman Thomas asked if there was any discussion; No response.

Motion was unanimously approved.

- ii. **Application of Jason Carson** to redistrict property located at 1085 Ridge Road in Helen, GA, 30345 from R-1 Residential Single Family District, to R-3 Residential Seasonal District. Total acreage is 0.60. Tax map and parcel 042C-026. Present use is R-1 Residential Single Family District.

The landowner, Mikyla Carson of 595 Devonshire Way in Alpharetta, GA, 30004, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified that short term rental is a permitted use in R-3 Residential Seasonal District.

Mr. Barton asked Mrs. Carson if it is the house with the green roof; Mrs. Carson said yes, an A-Frame.

Mr. Barton asked if the application is just for the A-Frame; Mrs. Carson said correct.

Mr. Barton asked if there is an RV on that tract; Mrs. Carson said yes, but that's not going to be part of the rental.

Mr. Barton stated that this application does not apply at all to the RV and asked if Mrs. Carson understood that; Mrs. Carson said correct.

Chairman Thomas asked if this was two dwellings on the same tract; Mrs. Carson said it's an RV that had the wheels taken off and was just left in the front.

Mr. Barton asked Mrs. Carson if she knows how long the RV has been there; Mrs. Carson said she believed the previous owner had lived there for about 15 years and it was there as long as she was.

White County Planning Commission

Regular Session

MINUTES

Chairman Thomas asked what the current use of the RV is; Mrs. Carson stated that they had just purchased the house on the 18<sup>th</sup>, so the current use is storing the things they need (like extra towels and blankets) for the AirBnB.

Chairman Thomas asked to clarify that they don't plan on having anyone living there or renting it out; Mrs. Carson stated that it's not really a livable structure anymore, the plumbing doesn't work. She said there are beds in there but no one would be able to stay in there.

Mr. Yarbrough asked if it would be more like utility use; Mrs. Carson said yes.

Mrs. Burke asked if the RV is currently being advertised as rental; Mrs. Carson said no, not at all. She said that it doesn't even meet the specs. Mrs. Carson stated they had to have septic go out and look through everything to know that it would be sound to rent, and it didn't even meet the specs for that. Mrs. Carson clarified that it's not a dwelling that can be resourced out.

Mrs. Burke clarified that Mrs. Carson just bought this; Mrs. Carson said yes.

Mrs. Burke stated that she visited the property and there was not a 911 address on it, but also the land use notice was not posted.

Mrs. Carson stated that there was a post and it was up last weekend; Mrs. Burke stated that she was out there today and it wasn't there.

Mrs. Carson stated that she wasn't sure what was meant by a 911 address; Mr. Barton stated that is something that Mrs. Carson will need to do for county requirements.

Mrs. Burke asked if Mrs. Carson planned on living on this property at all or in the future; Mrs. Carson said no to both.

Mrs. Burke asked if they knew their neighbors; Mrs. Carson said they know the neighbor next to them and she actually lives in Cleveland, N.C., but comes to visit her property twice a year. Mrs. Carson said she doesn't know the other gentleman.

Mr. Barton stated that in R-3, it has to be rental.

Mr. Ash asked if they were going to make the RV into a cabin or use the footprint; Mrs. Carson said they will use it as a structure to put the things she needs in order to be able to turn it for the next guest. She said it will just be a place to put cleaning supplies and different things since it locks up.

Chairman Thomas asked if the board had any other questions.

Mr. Ash stated that he didn't see the RV on the site plan; Mr. Barton stated it wouldn't be on the plat and it's not an addition to the property.

Chairman Thomas asked Mrs. Carson if she had a picture; Mrs. Carson said yes and approached the board to show them the pictures.

Mrs. Carson stated that the RV is next to the main road and there's a driveway that leads down to the cabin, so it's in front of the house.

White County Planning Commission

Regular Session

MINUTES

Mr. Barton stated that if the board is concerned with the RV, they can include a condition in their motion to have the RV only used for storage.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Ackerman to recommend the Board of Commissioners to approve the application with the condition that the RV is for storage only; Seconded by Mr. Yarbrough.

Chairman Thomas asked if there was any discussion; No response.

Mr. Freeman, Mr. Ackerman, Mrs. Burke, Mrs. Dixon, and Mr. Yarbrough were for the motion.

Mr. Ash was opposed.

Motion was carried by majority.

- iii. **Application of Ryan Hodge** to request a conditional use permit at 1113 River Road in Cleveland, GA, 30528. Total acreage is 2.89. Tax map and parcel 089-028. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential, Single-Family District. The applicant, Ryan Hodge of 3157 Green Farm Trail in Dacula, Georgia, 30019, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that according to the application and affidavits, the property is not part of a subdivision.

Mr. Hodge stated that he and his wife are both accountants, so there won't be any issues with filing the rental taxes.

Chairman Thomas asked how long Mr. Hodge has owned the property; Mr. Hodge stated that he purchased the property on October 17<sup>th</sup> of this year.

Chairman Thomas asked if it has been in short term rental since he has owned it; Mr. Hodge said no, they have only been fixing it up.

Mrs. Burke asked if it was in short term rental before they purchased it; Mr. Hodge said no the previous owner lived there for over 30 years before moving to Mississippi.

Chairman Thomas asked if they would manage it or go through a rental company; Mr. Hodge said they were going to try VRBO with him and his partner managing it, but he will be the main contact for the renters. He said they only live an hour away and have already met a number of people that have given them advice for renting as far as cleaning and other things.

Mrs. Burke asked if this was in an RV resort since there is one down there, but she didn't see it on the plat.

Mr. Hodge said no.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Freeman to recommend the Board of Commissioners to approve the application; Seconded by Mr. Ash.

Chairman Thomas asked if there was any discussion; No response.

White County Planning Commission

Regular Session

MINUTES

Motion was unanimously approved.

- iv. **Application of Clay Knaus** to redistrict property located at intersection of Hwy 129 North and Tesnatee Gap Valley Road, Cleveland, GA, 30528 from R-1 Residential Single- Family District, to A-1 Agriculture Forestry District. Total acreage to be changed is 5.80. Tax map and parcel 018-092. Present use is R-1 Residential Single-Family District. Mark Knaus, of 536 Radbury Road in Cleveland, was present as a representative for his son Clay Knaus.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Knaus to clarify what the total acreage will be; Mr. Knaus said 30 acres.

Mr. Barton explained that the 5 acres was zoned R-1 in 2015, so they have to go by the current map. Mr. Barton stated that Mr. Knaus will be adding these 5 acres to the existing 25 acres of A-1 to continue his agriculture use.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Ackerman to recommend the Board of Commissioners to approve the application; Seconded by Mrs. Dixon.

Chairman Thomas asked if there was any discussion; No response.

Motion was unanimously approved.

- v. **Application of Lori and George David** to request a conditional use permit at 193 Sara Lane, Sautee Nacoochee, GA, 30571. Total acreage is 0.93. Tax map and parcel 055D-092. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential, Single-Family District.

The landowner, Lori David of 2096 Dean Mountain Road in Cleveland, was present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if the property is in a subdivision; Mrs. David said yes, in Tanglewood II and that it is allowed in the HOA.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mrs. Burke to recommend the Board of Commissioners to approve the application as written; Seconded by Mr. Ash.

Chairman Thomas asked if there was any discussion; No response.

Motion was unanimously approved.

- vi. **Application of Chattahoochee Baptist Church** to redistrict property located at 7905 Duncan Bridge Road, Cleveland, GA, 30528 from: C-1 Community Commercial District, to C-2 Highway Business District. Total acreage is 25.89. Tax map and parcel 076-106 and 076-132. Present use is C-1 Community Commercial District.

White County Planning Commission

Regular Session

MINUTES

Bryan Lee of 993 Merck Road in Cleveland, the general contractor and applicant, was present. Steve Berry of 1133 Pless Road in Cleveland was also present to represent the church.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Lee if they were constructing a new church altogether; Mr. Lee said correct.

Mr. Barton asked Mr. Lee if the request was for all of the property; Mr. Lee said correct.

Chairman Thomas asked if there was anything the applicants would like to add; Mr. Lee asked what the setback requirements were. Mr. Barton stated that they were well within the setbacks.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Yarbrough to recommend the Board of Commissioners to approve the application to rezone from C-1 to C-2; Seconded by Mr. Ash.

Chairman Thomas asked if there was any discussion; No response.

Motion was unanimously approved.

- vii. **Application of Mossy Creek United Methodist Church** request variance to Appendix C/Article IX/Section 901/6 for building setback located at 2154 Post Road, Cleveland, Ga. 30528. Total acreage is 11.98. Tax map and parcel 063-003. Present use is A-1 Agriculture Forestry District. The applicant and representative for the church, C.J. McDonald of 100 Pine Hill Drive in Cleveland, was present.

Mr. Sell gave a summary of the application. Mr. Sell stated that there is a 50-foot setback for churches and cemeteries.

Mr. McDonald stated that the requested land use variance is to be able to build out the unfinished portion of the fellowship hall/gymnasium/multi-purpose facility of Mossy Creek.

Mrs. Dixon asked if they were just finishing; Mr. McDonald said yes, the plan was drawn up 10 or 11 years ago, but only half of it was built at that time.

Chairman Thomas asked the board if they had any questions; No response.

Motion was made by Mr. Freeman to recommend the Board of Commissioners to approve the request; Seconded by Mr. Ash.

Chairman Thomas asked if there was any discussion; No response.

Motion was unanimously approved.

VIII. Citizens Comments- None.

IX. Adjournment- Motion made by Mrs. Dixon to adjourn; Seconded by Mr. Yarbrough. Motion was unanimously approved.